

Attorney Docket No. 2-5800-004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wendell A. Gurtler

Ser. No. 10/810,969

Filed: March 26, 2004

Examiner: Daniel S. Yeagley

For: TRAILER HITCH CUSHIONING  
DEVICE AND METHOD FOR  
USING SAME

Group Art: 3611

RESPONSE TO FIRST OFFICE ACTION

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Communication of July 28, 2005.

I hereby certify that this correspondence is being  
deposited with the United States Postal Service as  
first class mail in an envelope addressed to :  
Commissioner of Patents and Trademarks,  
Washington, D.C. 20231, on 08-15-05

Richard M. Petts

## ELECTION

Applicant elects Species I, drawn to figure 3 with traverse. Species I includes the following claims: 1–4, 7–9, 11–14, 16–17, and 20.

According to the Office Communication: “Currently, none of the claims appear generic.” In fact, the independent claims, 1 and 16 are generic and read on each of the four (4) species identified in the Office Communication. Additionally, the following dependent claims are generic: 2, 7, and 8, reading on each of the same four (4) species. Accordingly, the following traverse proves each of these five (5) claims is generic:

1. A trailer hitch assembly (Sp. I: 20; Sp. II: 68; Sp. III: 108; Sp. IV: 142) for use with a trailer and a pulling vehicle comprising:
  - a hitch adapted to be connected to the trailer (Sp. I: 18; Sp. II: 85; Sp. III: 122; Sp. IV: 152);
  - an elongated hitch member having a first end connected to the hitch and a second end (Sp. I: 40; Sp. II: 82; Sp. III: 120; Sp. IV: 156);
  - a base frame adapted to be attached to the pulling vehicle (Sp. I: 22; Sp. II: 70; Sp. III: 110; Sp. IV: 144);
  - a movable connection between the hitch member and the base frame permitting the hitch and the hitch member to move between a first position and a second position relative to the base frame assembly (Sp. I: 34; Sp. II: 80; Sp. III: 118; Sp. IV: 164);
  - an inflatable apparatus connected to both of the hitch member and the base frame assembly and having a container containing a quantity of gas, the inflatable apparatus being flexible so as to compress and cause the quantity of gas within the container to increase in pressure in response to movement of the hitch and the hitch member between the first and second positions relative to the base frame assembly (Sp. I: 52; Sp. II: 92; Sp. III: 138; Sp. IV: 172).
2. The trailer according to claim 1 wherein the movable connection comprises a pivotal connection of the hitch member to the base frame for permitting pivotal movement about a horizontal axis (Sp. I: 34; Sp. II: 80; Sp. III: 118; Sp. IV: 164).

7. The trailer according to claim 1 wherein the inflatable apparatus is an air bag (Sp. I: 52; Sp. II: 92; Sp. III: 138; Sp. IV: 172).

8. The trailer according to claim 1 wherein the inflatable apparatus includes a first attachment member (Sp. I: 54; Sp. II: 96; Sp. III: 136; Sp. IV: 170) attached to the hitch member and a second attachment member (Sp. I: 56; Sp. II: 100; Sp. III: 134; Sp. IV: 168) attached to the base frame, the first and second attachment members being movable in response to movement of the hitch and the hitch member between the first and second positions.

16. A method for cushioning the vertical downward movement of the tongue of a trailer relative to the rear of a vehicle, the method comprising:

attaching a base frame (Sp. I: 22; Sp. II: 70; Sp. III: 110; Sp. IV: 144) to the rear of the vehicle;

connecting a hitch frame (Sp. I: 40; Sp. II: 82; Sp. III: 120; Sp. IV: 156) to the base frame for pivotal movement about a first pivotal axis (Sp. I: 34; Sp. II: 80; Sp. III: 118; Sp. IV: 164), the hitch frame having a hitch attached thereto;

attaching the hitch to the tongue of the trailer (Sp. I: 18; Sp. II: 85; Sp. III: 122; Sp. IV: 152 all in combination with Fig. 1);

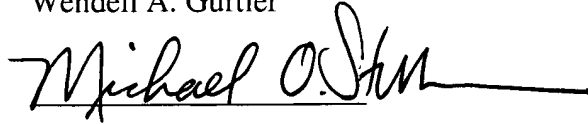
pivoting the hitch frame relative to the base frame for pivotal movement about the first pivotal axis so that the hitch moves from an elevated position to a lowered position relative to the base frame (intrinsic in all species: see page 1 lines 20–22: primary object);

collapsing a flexible collapsible air container (Sp. I: 52; Sp. II: 92; Sp. III: 138; Sp. IV: 172) connected between the hitch frame and the base frame in response to movement of the hitch from the elevated to the lowered position, the air container containing a quantity of air therein, whereby the collapsing of the air container causes the pressure of the quantity of air to

increase, so as to resist the movement of the hitch from the elevated to the lowered position.

Respectfully submitted,

Wendell A. Gurtler

A handwritten signature in black ink, appearing to read "Michael O. Sturm", with a long horizontal line extending to the right.

August 15, 2005

By: Michael O. Sturm

Reg. No. 26,078

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